



2011 ASSEMBLY BILL 264

September 16, 2011 - Introduced by Representatives ROYS, THIESFELDT, DOYLE, RINGHAND, MASON, PASCH, POCAN, POPE-ROBERTS, HINTZ, MILROY, HEBL, HULSEY, BEWLEY, SEIDEL and BERCEAU, cosponsored by Senators HOLPERIN, C. LARSON and S. COGGS. Referred to Committee on Election and Campaign Reform.

1 **AN ACT to create** 11.24 (4) and 11.60 (3p) of the statutes; **relating to:** acceptance
2 of certain political contributions by certain elective state officials, officials elect,
3 and committees and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any incumbent partisan elective state official, including the governor and lieutenant governor, or his or her personal campaign or authorized support committee, from accepting any political contribution during the period from January 1 of an odd-numbered year through the date of enactment of the biennial budget act for the purpose of promoting his or her nomination or reelection to the office held by the official. The bill also prohibits an incumbent governor or lieutenant governor, or an individual who has been elected to either of those offices but who has not taken office, or his or her personal campaign or authorized support committee, from accepting any political contribution during the period from the day after the date of the general election through the succeeding first Monday in January for the purpose of promoting his or her nomination or reelection to the office that the individual holds or to which the individual has been elected. The prohibition does not apply to contributions accepted by an incumbent official who is subject to a recall election or by the official's personal campaign or authorized support committee from the date on which the petition for a recall election is filed until the date of the recall election. In addition, the bill prohibits a legislative campaign committee from accepting any political contribution during the period from January 1 of an odd-numbered year through the date of enactment of the biennial budget act.

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Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 11.24 (4) of the statutes is created to read:

2 11.24 (4) (a) No incumbent partisan state elective official, including the
3 governor and lieutenant governor, and no personal campaign committee or
4 authorized support committee under s. 11.05 (3) (p) of such an official, may accept
5 any contribution during the period beginning on January 1 of an odd-numbered year
6 and ending on the date of enactment of the biennial budget act for the purpose of
7 promoting that official's nomination or reelection to the office held by the official.

8 (b) No individual who is serving as governor or lieutenant governor, no
9 individual who has been elected to the office of governor or lieutenant governor but
10 has not yet taken office, and no personal campaign committee or authorized support
11 committee under s. 11.05 (3) (p) of any such individual, may accept any contribution
12 during the period beginning on the day after the date of the general election and
13 ending on the succeeding first Monday in January for the purpose of promoting that
14 individual's nomination or reelection to the office that the individual holds or to
15 which the individual has been elected. For purposes of this paragraph, the legal
16 counsel to the board shall determine whether an individual has been elected to the
17 office of governor or lieutenant governor on the basis of media reports, if it is
18 generally acknowledged that an individual has been so elected, and shall inform in

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1 writing any individual whom the legal counsel determines to have been so elected as
2 soon as the legal counsel makes such a determination. In making his or her
3 determination, the legal counsel is bound by the certification of the chairperson of
4 the board or his or her designee under s. 7.70 (3) (g) if the certification has been
5 issued.

6 (c) Notwithstanding par. (a), an incumbent partisan state elective official
7 against whom a recall petition has been filed or the personal campaign or authorized
8 support committee of such an official may accept a contribution during the period
9 beginning on the date on which the petition is filed under s. 9.10 (3) (b) and ending
10 on the date of the recall election or the date on which the official resigns if the official
11 resigns at an earlier date under s. 9.10 (3) (c).

12 (d) No legislative campaign committee may accept any contribution during the
13 period beginning on January 1 of an odd-numbered year and ending on the date of
14 enactment of the biennial budget act.

15 (e) If in any year there is more than one executive budget bill under s. 16.47
16 (1m), the period under pars. (a) and (d) ends on the date of enactment of the last such
17 bill.

18 **SECTION 2.** 11.60 (3p) of the statutes is created to read:

19 11.60 (3p) Notwithstanding sub. (1), any elective state official, official elect, or
20 personal campaign or authorized support committee of any such official or official
21 elect who accepts a contribution in violation of s. 11.24 (4) or any legislative campaign
22 committee that accepts a contribution in violation of s. 11.24 (4) shall forfeit treble
23 the amount of the contribution.

24

(END)